

REMARKS

The Office Action of September 13, 2005 has been received and its contents carefully noted. Claims 1-5, 8-17, 19-25, 27-29, 31-34, and 38-63 are currently pending, of which claims 1-24 and 27-48 stand rejected. Claims 1-5, 8, 9, 11-17, 19-25, 27-29, 31-34, 38, 39, and 42-45 are amended to more clearly describe the invention and to more clearly overcome the rejections in the outstanding Office Action, and claims 49-63 are added for the Examiner's consideration. No new matter has been added. Support for the amendments is discussed below. Reconsideration and withdrawal of all pending rejections in view of the above amendments and following remarks is respectfully requested.

Applicants further note with appreciation the Examiner's consideration of all of the documents cited in the various Information Disclosure Statements filed in the present application by the return of the initialed and signed copies of the PTO-1449 Forms accompanying each of the Information Disclosure Statements filed herein.

Allowable Subject Matter

Applicants appreciate the indication that claim 25 contains allowable subject matter. However, Applicants submit that all of the claims are in condition for allowance for at least the following reasons.

35 U.S.C. §112 Rejection, Second Paragraph

Claim 15 stands rejected under 35 U.S.C. §112, 2nd paragraph. This rejection is respectfully traversed.

Applicants respectfully submit that claim 15, implicitly requires the RF receiver that is alternatively recited in claim 14. Nevertheless, in order to expedite prosecution of the application, Claim 15 has been amended to more positively require that the claim 15 receiver

comprises the RF receiver. This amendment is made for the sole purpose of clarifying the claim receiver type. This amendment is not made for the purpose of avoiding prior art or narrowing the claimed invention, and no change in claim scope is intended. Therefore, Applicants do not intend to relinquish any subject matter by these amendments.

Accordingly, withdrawal of the rejection of claim 15 is respectfully requested.

35 U.S.C. § 102 Rejection

Claims 1-4, 8, 10-23, 27, 30-33, 37-40, 44, 45, 47, and 48 are rejected under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent Application No. 2001/0028301 to Geiger, *et al.* This rejection is respectfully traversed.

A claim may be properly rejected under 35 U.S.C. § 102(b) if, and only if, a single prior art reference discloses each and every feature of the invention as recited in the claim. If the rejected claim recites even one feature that is not disclosed by the prior art reference, the 35 U.S.C. § 102(b) rejection is improper and must be withdrawn. In this case, the rejection of claims 1-4, 8, 10-23, 27, 30-33, 37-40, 44, 45, 47, and 48 must be withdrawn because Geiger, *et al.* fails to disclose at least one feature recited in each of independent base claims 1, 21, 38, 39, and 45.

Claim 1 recites, *inter alia*, a passive, mobile display unit having a display screen that displays the information without user interaction; Claim 21 recites, *inter alia*, a passive, mobile display unit that receives the information stored in said transceiver, at any location within the retail environment, and displays the information on a display screen without user interaction; Claim 38 recites, *inter alia*, a passive, mobile display unit that receives the information from said transceiver, and displays the information on a display screen without user interaction; Claim 39 recites, *inter alia*, automatically displaying the information on a display screen of the at least one

passive display unit; and Claim 45 recites, *inter alia*, automatically displaying the information on a display screen of the at least one passive display unit.

Geiger, *et al.*, on the other hand, is directed to a complex interactive shopping cart display system. In particular, Geiger, *et al.* includes a display unit on a shopping cart, a plurality of store-wide trigger or transceiver units. See paragraph [0008]. These store-wide trigger units create an entire complex interactive advertising and promotion system. For example, the plurality of trigger units may be mounted throughout the store at the point of product display to advertise or promote a desired product. The transceiver unit automatically sends a message to the display unit, which causes the product-specific promotion to appear on the screen and a soft audible chime to alert the shopper of the approaching promoted product. See paragraph [0009]. Moreover, the central display screen includes a minimum of two thumb controls for selecting directories and scrolling lists, which are displayed on the display screen. See column [0013] and buttons 30 shown Figures 1 and 5 for example only.

The background of the present invention details the shortcomings of these complex and complicated systems exemplified by the Geiger, *et al.* device. For example, these systems require the consumer to interact with the devices by pushing buttons, swiping I.D. cards, and navigating through on-screen menus to receive content. This has been known to be frustrating to the consumer to the extent that the consumer will no longer interact with the system and, in many, cases completely ignore the system display, to the detriment of sales within the retail environment. Also, such systems require the display unit to transmit signals and interact with other devices throughout the store. In some applications, due to interference, these systems do not work properly.

Additionally, some of these systems lack privacy which is inherent with "personalized" systems. This is considered a significant negative by most shoppers and the "alert" systems

(e.g., beeping, flashing, and vibrating to draw attention to certain products) are considered a severe annoyance to shoppers.

Moreover, these interactive devices have a very high power consumption (multiple cells, external battery packs, or built-in rechargeable batteries). This leads to short battery life due to their complex functionality. Additionally, these devices are overly bulky due to their added functionality such as large display screens, numerous buttons, bar code readers, navigation devices, card swipe components and the like.

On the contrary, the invention is directed to a more user friendly and user accepted passive display device. As set forth by claim 1, the invention is directed to *a passive, mobile display unit having a display screen that displays without user interaction*. This “passive, mobile” device operates “without user interaction,” which is in stark contrast to the plurality of buttons (30 of Figures 1, 2, and 5) and the plurality of transmitters 140A, 140B, 140C, 140D of the Geiger, *et al.* device. Similarly, independent claims 21, 38, 39, and 45 recite that the device is passive and information is displayed without user interaction.

Additionally, the invention operates to randomly display information regardless of the location of the device within a retail environment. In particular, claim 21 recites that the display device operates at *any location* within the retail environment and claim 45 recites *regardless of a location* of the at least one passive display unit within the retail environment. Contrary to the invention, the Geiger, *et al.* device has a plurality of transmitters 140A, 140B, 140C, 140D that act as store-wide trigger units to create an entire complex interactive advertising and promotion system. Accordingly, the Geiger, *et al.* device operates based on the location.

Accordingly, Applicants submit that Geiger, *et al.* does disclose each and every feature of the invention as set forth by the independent claims. Accordingly, Applicants respectfully request that the rejection over claims 1-4, 8, 10-23, 27, 30-33, 37-40, 44, 45, 47, and 48 be withdrawn

35 U.S.C. § 103 Rejection

Claims 9, 34, and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Geiger, *et al.*; Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Geiger, *et al.* in view of U.S. Patent No. 6,373,884 to Byrns, *et al.*; Claims 24, 28, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Geiger, *et al.* in view of U.S. Patent No. 5,963,650 to Simionescu, *et al.* These rejections are respectfully traversed.

With respect to these rejections, Applicants submit that claims 9, 24, 26, 28, 29, 34, and 43 are allowable at least for the reason that these claims depend from allowable base claims, as noted above, and because these claims recite additional features that further define the present invention.

New claims 49-63 add no prohibited new matter and are submitted to be allowable. They find support in the specification at, *inter alia*, pages 20-21.

Additionally, minor amendments have been made to the claims in order to improve the language thereof. In these amendments, Applicants have made several changes to the language of the claims to render the same more self consistent, as well as more fully in compliance with the U.S. syntax, idiom and grammar. These amendments do not change the scope of the claims but are merely cosmetic changes that give rise to no file wrapper estoppel.

CONCLUSIONS

Applicants submit that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is thus respectfully requested to pass the above application to issue.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested. Applicants respectfully request that a timely Notice of Allowance be issued for this application.

Respectfully Submitted,



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Dated: December 13, 2005

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